

REMARKS

Claims 1-3, 5-12 and 14-19 are now in this application. Claims 4 and 13 have been canceled. Claims 1-3, 6, 9-12 and 15 have been amended. Claims 16-19 have been added.

The disclosure was objected to because of a number of informalities. Sub-titles have been added, and typos noted by the Examiner and elsewhere have been corrected.

Claims 2 and 6 were objected to because of a number of informalities. Claims 2 and 6 have been amended to remove the informalities.

Claims 6, 9, 11 and 15 were rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. Claims 6 and 15 have been amended to provide a clearer basis for the claim in the specification in the passage noted by the Examiner. Claims 9 and 11 have been amended to more clearly demonstrate their basis in the specification.

Claims 3 and 12 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention. Claims 3 and 12 have been amended to more clearly define the invention.

Claims 1, 2 and 10 were rejected under 35 USC 103(a) as being unpatentable over Miya et al, US 6,400,700 in view of Jalloul et al, US 6,192,040. Miya discloses in Figure 2, an arrangement in which a pilot signal is provided on a common pilot channel (referenced "Pilot Channel" in the figure) and also separate provision of pilot symbols embedded in data on dedicated communication channels, where each dedicated channel is allocated to one mobile user. These two types of arrangement are discussed in the present specification in the section titled "Background to the Invention".

The amendments to claim 1 bring out more clearly the distinctions between the present invention and Miya. Claim 1 now requires that the common control channel also carries data symbols in addition to said second set of pilot symbols. This is not shown or suggested by Miya. Only pilot symbols are carried by the common pilot channel of Miya. Jalloul is also silent on this aspect.

Accordingly, Applicants believe that claim 1 as amended, patentably distinguishes the present invention over the teachings of these references, taken alone or in combination.

Claim 2 is dependent on claim 1, which is allowable, and thus for this reason at least is also allowable.

Claim 10 has been amended to include that at least one common control channel carries pilot symbols embedded between data symbols. This is not shown or suggested by either Miya or Jalloul.

Claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Miya in view of Jalali, US 6,154,659. The Examiner states that Miya has a pilot channel 101 with circuitry for supplying a pilot code that is broadcast to all the mobile stations along with transmission data, and that this falls within the terminology used in claim 7.

It is submitted that Miya is fundamentally different from the present invention. As disclosed, for example, in the "Summary of the Invention", column 3, lines 27 to 61, it uses a combination of a common pilot channel and dedicated pilot channels. This is shown in Fig 2 of Miya and contrasted with a prior art method shown in Figure 7 or in Figure 8.

The arrangement shown in Figure 1 of Miya includes a base station having a pilot channel 101, which has an input denoted 'transmission data'. From column 4, lines 45 to 47, it is apparent that this transmission data is relevant to the pilot channel output. There is no

suggestion that this is anything other than the input required to obtain the pilot channel transmission shown in figure 2, or that this transmission also carries data other than pilot symbols. Most of the discussion in Miya regarding the Figure 1 arrangement is directed towards the insertion of pilot symbols in dedicated pilot channels. Thus, the operation of the common pilot channel appears to be considered by Miya as being conventional and not requiring further explanation.

There is no discussion in Miya as to how pilot symbols might be combined with data symbols on the common pilot channel, contrasting with the lengthy explanation of pilot symbols being added to dedicated pilot channels. Again, this indicates that such a combination of pilot and data symbols on the common pilot channel does not exist.

For these reasons, Miya does not disclose a common control channel which carries pilot symbols embedded between data symbols as required by claim 7. Jalali also does not disclose or suggest this feature. Thus Applicants believe claim 7 is patentable over either reference or combination of these references.

Claim 8 is dependent on claim 7 and thus is believed to also be allowable for at least this reason.


Claims 5 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Miya in view of Jalloul, as applied to respective claims 1 and 2, and in further view of Jalali. Claims 5 and 14 are similarly dependent on

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base claims believed to be allowable, and thus should be deemed allowable for this reason at least.

In view of the foregoing, allowance of the amended claims and passage to issue of the subject application is respectfully requested. If the Examiner should feel that the application is not yet in a condition for allowance and that a telephone interview would be useful, he is invited to contact applicants' attorney, Jimmy Goo, at 908-582-7886.

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